

Patent Application No. 10/643,253

REMARKS

This Amendment is in response to the Office Action dated January 24, 2005. In the Office Action, claims 1-23 were rejected under 35 USC §103. By this Amendment, claims 1, 8, 13, 17 and 23 are amended and claims 24-27 are added. Currently pending claims 1-27 are believed allowable, with claims 1, 8, 13, 17 and 23 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 1-23 were rejected under 35 USC §103 as obvious over U.S. Patent No. 6,104,304 to Clark et al. (hereinafter "Clark") in view of U.S. Patent No. 5,781,024 to Blomberg et al. (hereinafter "Blomberg").

I. ALL THE CLAIM LIMITATIONS ARE NOT TAUGHT OR SUGGESTED BY THE CITED DOCUMENTS

In rejecting claims under U.S.C. §103, the examiner bears the initial burden of establishing a *prima facie* case. MPEP 2142. To establish *prima facie* obviousness of a claimed invention, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

Claim 1

Claim 1 is a method for predicting the failure of an electronic circuit in an electronic device. The claim recites, in part, the operation of "determining if the measured current draw is outside a pass range for the measured environmental condition." In the claim, the environmental condition is defined to include an environment temperature.

Clark discloses a self-test system for an electrical device. Clark, col. 1, ln. 64 - col. 2, ln. 1. According to Clark, "The self-test system uses an internal current sensor to measure the difference in power or current consumption (drain) of each component or component group between power on and power off states. The self-test system compares the current measurements with a set of expected, predetermined current ranges or values, preferably stored in the device." Clark, col. 2, ln. 10-16. However, Clark does not teach or suggest determining if a measured current is outside a pass range for the

Patent Application No. 10/643,253

measured environmental condition that includes an environment temperature, as claimed in claim 1.

Blomberg discloses a test card 48 that is used to determine if a temperature control circuit 120 in a diagnostic instrument 10 is calibrated to the actual of the test card. Blomberg, col. 6, ln. 11-16. "Resistive heaters 82 electrically coupled to the ceramic test circuit board, are used to heat the board 54 to a control temperature." Blomberg, col. 5, ln. 6-8. Thus, it is respectfully submitted that Blomberg does not teach or suggest determining if the measured current draw is outside a pass range for the measuring an environment condition, but rather measuring a test card's temperature to calibrate a temperature control circuit.

Therefore, the Applicant respectfully submits that not all the limitations of claim 1 are not found or suggested in the cited references, either alone or in combination. Furthermore, the Applicant respectfully submits that claim 1 is allowable over the cited art and earnestly solicits notice of such allowance.

Claims 2-7 and 24

Claims 2-7 and 24 are dependent on and further limit claim 1. Since claim 1 is believed allowable to the reasons stated above, claims 2-7 and 24 are also believed allowable for at least the same reasons as claim 1.

Claim 8

Claim 8 is a system for predicting the failure of an electronic circuit. The claim recites, in part, "a failure alert unit configured to provide an alert notification when the current draw to the electronic circuit is outside a pass range at the measured environmental condition and the measured operating condition of the electronic circuit." In the claim, the environmental condition is defined to include an environment temperature.

As discussed above, Clark does not teach or suggest a failure alert unit based on the current draw to the electronic circuit at a measured environmental condition that includes an environment temperature, as claimed in claim 8. Moreover, Blomberg does not teach

Patent Application No. 10/643,253

or suggest a failure alert unit based the current draw to the electronic circuit at a measured environmental condition, but rather measuring a test card's temperature to calibrate a temperature control circuit, as detailed above.

Therefore, the Applicant respectfully submits that not all the limitations of claim 8 are not found or suggested in the cited references, either alone or in combination. Furthermore, the Applicant respectfully submits that claim 8 is allowable over the cited art and earnestly solicits notice of such allowance.

Claims 9-12 and 25

Claims 9-12 and 25 are dependent on and further limit claim 8. Since claim 8 is believed allowable to the reasons stated above, claims 9-12 and 25 are also believed allowable for at least the same reasons as claim 8.

Claim 13

Claim 13 is method for manufacturing an electronic circuit. The claim recites, in part, an "alert when the current draw to the electronic circuit is outside a pass range at the measured environmental condition." In the claim, the environmental condition is defined to include an environment temperature.

As discussed above, Clark does not teach or suggest an alert based on the current draw to the electronic circuit at a measured environmental condition that includes an environment temperature, as claimed in claim 13. Moreover, Blomberg does not teach or suggest a failure alert based the current draw to the electronic circuit at a measured environmental condition, but rather measuring a test card's temperature to calibrate a temperature control circuit, as detailed above.

Therefore, the Applicant respectfully submits that not all the limitations of claim 13 are not found or suggested in the cited references, either alone or in combination. Furthermore, the Applicant respectfully submits that claim 13 is allowable over the cited art and earnestly solicits notice of such allowance.

Claims 14-16 and 26

Patent Application No. 10/643,253

Claims 14-16 and 26 are dependent on and further limit claim 13. Since claim 13 is believed allowable to the reasons stated above, claims 14-16 and 26 are also believed allowable for at least the same reasons as claim 13.

Claim 17

Claim 17 is computer program product reciting, in part, program code to "determine if the measured current draw is outside a pass range for the measured environmental condition." In the claim, the environmental condition is defined to include an environment temperature.

As discussed above, Clark does not teach or suggest an alert based on the current draw to the electronic circuit at a measured environmental condition that includes an environment temperature, as claimed in claim 17. Moreover, Blomberg does not teach or suggest a failure alert based the current draw to the electronic circuit at a measured environmental condition, but rather measuring a test card's temperature to calibrate a temperature control circuit, as detailed above.

Therefore, the Applicant respectfully submits that not all the limitations of claim 17 are not found or suggested in the cited references, either alone or in combination. Furthermore, the Applicant respectfully submits that claim 17 is allowable over the cited art and earnestly solicits notice of such allowance.

Claims 18-22 and 27

Claims 18-22 and 27 are dependent on and further limit claim 17. Since claim 17 is believed allowable to the reasons stated above, claims 14-16 and 26 are also believed allowable for at least the same reasons as claim 17.

Claim 23

Claim 23 is a system for predicting the failure of an electronic circuit. The claim recites, in part, "means for determining if the measured current draw is outside a pass range for the measured environmental condition." In the claim, the environmental condition is defined to include an environment temperature.

Patent Application No. 10/643,253

As discussed above, Clark does not teach or suggest determining if the current draw to the electronic circuit at a measured environmental condition that includes an environment temperature is outside a pass range, as claimed in claim 23. Moreover, Blomberg does not teach or suggest determining if the current draw to the electronic circuit at a measured environmental condition is outside a pass range, but rather measuring a test card's temperature to calibrate a temperature control circuit, as detailed above.

Therefore, the Applicant respectfully submits that not all the limitations of claim 23 are not found or suggested in the cited references, either alone or in combination. Furthermore, the Applicant respectfully submits that claim 23 is allowable over the cited art and earnestly solicits notice of such allowance.

II. THERE IS NO MOTIVATION TO COMBINE CLARK WITH BLOMBERG

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP 2143.

Clark discloses a self-test system for an electrical device. Clark, col. 1, ln. 64 - col. 2, ln. 1. According to Clark, "The self-test system uses an internal current sensor to measure the difference in power or current consumption (drain) of each component or component group between power on and power off states. The self-test system compares the current measurements with a set of expected, predetermined current ranges or values, preferably stored in the device." Clark, col. 2, ln. 10-16.

Blomberg discloses a test card 48 that is used to determine if a temperature control circuit 120 in a diagnostic instrument 10 is calibrated to the actual of the test card. Blomberg, col. 6, ln. 11-16. "Resistive heaters 82 electrically coupled to the ceramic test circuit board, are used to heat the board 54 to a control temperature." Blomberg, col. 5, ln. 6-8.

The Office Action cites Blomberg at column 3, lines 23-37 as allegedly providing motivation to combine the teachings of Clark and Blomberg to one of ordinary skill in the art at the time the invention

Patent Application No. 10/643,253

was made. The Applicant respectfully submits, however, that the cited passage in Blomberg merely discusses testing the calibration of a cartridge temperature control system, as well as other diagnostic tests in the device. There is no teaching that the temperature calibration of the temperature control system in Blomberg could be combined with a current consumption test as described in Clark. In addition, the Office Action does not point to Clark as providing motivation to combine its teachings with that of Blomberg.

Therefore, the Applicant respectfully submits that there is no motivation to combine the teachings of Clark and Blomberg in the cited references. For at least this reason, claims 1-26 are allowable over the cited art and the Applicant earnestly solicits notice of such allowance.


CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

Please change Deposit Account 09-0466 the \$200 fee for the additional dependent claims. No other fee is believed due with this Amendment, however, should such a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

Dated: April 9, 2004


Ido Tuchman, Reg. No. 45,924
Law Office of Ido Tuchman
69-60 108th Street, Suite 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588